

want to be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims. /

There is more than one generic claim that recites the examples that appear in more than one of Applicant's figures. Generic independent apparatus claims 1 and 2 include elements that appear in Figures 3 - 11. Generic independent claims 1 and 2 (apparatus) and 10 (method) have a load bolster opposed by a resilient member and that broad language as defined in the as filed specification, see page 23 (below) specifically includes structures and method steps in the examples shown in the figures.

"An opposed spring system 14 includes a resilient load bolster 15 such as for example a coil, air, elastic, torsion or leaf spring, Figures 3 to 11. "

"A resilient member 15 such as tension or compression air or coil springs elastic restraints are mounted affixed between each wheel axle support 12 and the chassis 11, Figures 3 to 11. "

Also an air bag or torsion bar Figures 11 and 6 are springs as defined in the specification; independent apparatus claim 2 is generic to the examples of Figure 1 through 12. Applicant believes that independent claims 1, 2, and 10 are generic to the claims that depend from each.

Claim 3 (Figures 3 – 5 and 11)

Claim 4 (Figure 12)

Claim 5 (Figures 3 – 11)

Claim 6 (Figure 3)

Claim 7 (Figures 4, 5 and 11)

Claim 8 (Figures 4, 5 and 11)

Claim 9 (Figure 6)

The claims that dependent directly of indirectly from generic claim 2 properly add specific structures found in the listed figures. Independent claim 1 is generic to all the examples and independent claim 10 is generic to at least examples of Figures 7 – 10.

Applicant's reply includes a proper election along with a listing of all claims readable thereon. Applicant asks for consideration of those claims identified herein as dependent from a generic claim(s). A generic claim should be allowed to link a reasonable number of examples embraced thereby. Only wherein, an application contains claims directed to more than a reasonable number of examples, may the Examiner require restriction of the claims to not more than a reasonable number of examples before taking further action in the case. Applicant believes that the eight figures noted by the Examiner represent a reasonable number of examples.

Applicant's generic claim 2 reads on each of the eight examples shown in the eight figures. The MPEP states that, the fact that a claim does so read is not conclusive that it is generic is it defines only an element or subcombination common to the several examples. Applicant's generic claims 1 and 2 define at least several elements common to the eight examples and none that are uncommon. Moreover, Applicant's generic claims 1 and 2 recite broadly elements that are more specifically recited in each of dependent claims. The claims to the examples not subjected to restriction contain all the limitations of the generic claim(s) from which they depend. Applicant's generic claim does not include any material element additional to those recited in the examples claimed, and has within its confines the organization covered in each of the examples. Applicant's independent claims 1 and 2 include elements that are the foundation for detail in the dependent claims; thus cover generically the eight figures. Applicant's generic claim may include two or more of the disclosed embodiments within the breadth and scope and here the eight examples if reduced to similar

structures with different specific spring combinations become less than four. Applicant's disclosure of relationship between examples should overcome the restriction requirement. There is a patentable difference between the examples as claimed and the Examiner's insistence upon election of one example is unfair.

If a claim that is determined to be generic is allowed, all of the claims drawn to examples (in addition to the elected example) that include all the limitations of the generic claim will ordinarily be obviously allowable in view of the allowance of the generic claim, since the additional examples will depend thereon or otherwise include all of the limitations thereof. Upon the allowance of a generic claim, Applicant maintains a right to consideration of all dependent claims to additional examples which depend from the allowed generic claim. Thus, in the interest of efficient patent application prosecution Applicant respectfully requests that the question of a generic claim common to the examples be resolved now so each additional example may be searched and considered separately on its merit. When all of the dependent claims are embraced by an allowable generic claim, Applicant asks to be advised that the claims to the one nonelected examples are no longer withdrawn from further consideration.

Should there be any questions, the Examiner is encouraged to call or email the Applicant's undersigned attorney.

Respectfully submitted on behalf of Applicant for reconsideration,



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